

IN RE: PETITION FOR ZONING VARIANCE
SE/Corner Baltimore Avenue and
Winifred Avenue
13th Election District
1st Councilmanic District
Charles Henry Day, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 88-518-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side street setback of 11 feet in lieu of the required 25 feet and an interior side setback of 9 feet in lieu of the required 10 feet for a proposed single family dwelling as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Day, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of July, 1988 that the Petition for Zoning Variance be granted.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

May 3, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-518-A
SE/Cor. Baltimore Avenue and Winifred Avenue
13th Election District - 1st Councilmanic District
Petitioner(s): Charles Henry Day, et ux
HEARING SCHEDULED: THURSDAY, JUNE 30, 1988 at 10:00 a.m.

Variance to permit a side street setback of 11 feet in lieu of the required 25 feet and an interior side setback of 9 feet in lieu of the required 10 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Petitioners
File

ing Variance to permit a side street setback of 11 feet in lieu of the required 25 feet and an interior side setback of 9 feet in lieu of the required 10 feet for a proposed single family dwelling as more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. June 9, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 9, 1988.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

33.75

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13th Date of Posting: June 6, 1988
Posted for: Variance
Petitioner: Charles Henry Day, et ux
Location of property: SE/Cor. Baltimore Ave. and Winifred Ave.
Location of Sign: In front of subject property, east side of Baltimore Ave.
Remarks: J. Robert Haines
Posted by: J. Robert Haines Date of return: June 16, 1988
Number of Signs: 1

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-518-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 (Policy 5-14) To permit a side street setback of 11 feet in lieu of the required 25 feet and an interior side setback of 9 feet in lieu of the required 10 feet.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
- 1) Existing lot - 60 feet wide
 - 2) Winifred Ave. is a paper street 28 feet wide with no plans the County to improve it.
 - 3) Without the variance for side yards, lot is unbuildable for the house contracted for. (Or any single family house)

Property is to be posted and advertised as prescribed by Zoning Regulations.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
CELLANEOUS CASH RECEIPT No. 50497

DATE: 4/17/88 ACCOUNT: 01-115-000
AMOUNT: \$ 35.00
PAID TO: Charles Day
FOR: Variance # 378
BY: Ann Day
VALIDATION OR SIGNATURE OF CASHIER: [Signature]

1230 S. Carey Street, 539-4469 home
Baltimore, MD 21230 455-3657 MRS. DAY work
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Signature: [Signature]
City and State: Baltimore, MD
Name: [Name]
Address: [Address]
Phone No.: [Phone No.]

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of June, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of June, 1988, at 10 o'clock a.m.

ESTIMATED LENGTH OF HEARING: 1/2 HR. + 1 HR.
AVAILABLE FOR HEARING: MON./TUES./WED. - NEXT TWO MONTHS (over)
REVIEWED BY: [Signature] DATE: 4/17/88

Office of PATUXENT Publishing Company

10750 Little Patuxent Pkwy.
Columbia, MD 21044

June 24 19 88

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING:

was inserted in the following:
☐ Catonsville Times
☐ Arbutus Times
☐ Reporter Weekly

weekly newspapers published in Baltimore County, Maryland once a week for successive weeks before the 11 day of June 19 88, that is to say, the same was inserted in the issues of

June 9, 1988

PATUXENT PUBLISHING COMPANY
By: [Signature]

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208

TELEPHONE (301) 653-9511

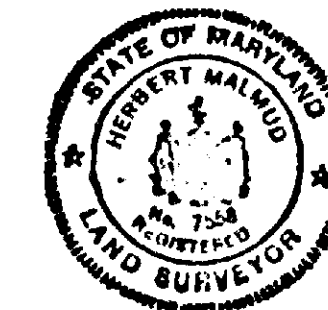
ZONING DESCRIPTION
13th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at the corner formed by the east side of Baltimore Avenue, 50 feet wide, and the south side of Winifred Avenue, 28 feet wide, and running thence with the south side of Winifred Avenue:

- (1) South 86° 08' 10" East 149.91 feet, thence leaving Winifred Avenue and running the two following courses and distances:
- (2) South 03° 22' 31" East 59.76 feet and
- (3) South 86° 03' 01" West 149.91 feet to the east side of Baltimore Avenue, thence with Baltimore Avenue:
- (4) North 03° 22' 31" West 60.00 feet to the place of beginning.

Containing 8978 square feet or 0.206 of an acre of land, more or less.

This description is intended for zoning purposes only and not for the conveyance of title.



Herbert Malmud
Registered Land Surveyor
Maryland # 7525
April 4, 1988

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

July 14, 1988

Mr. & Mrs. Charles H. Day
1230 S. Carey Street
Baltimore, Maryland 21230

RE: PETITION FOR ZONING VARIANCE
SE/Corner Baltimore Avenue and Winifred Avenue
13th Election District; 1st Councilmanic District
Case No. 88-518-A

Dear Mr. & Mrs. Day:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

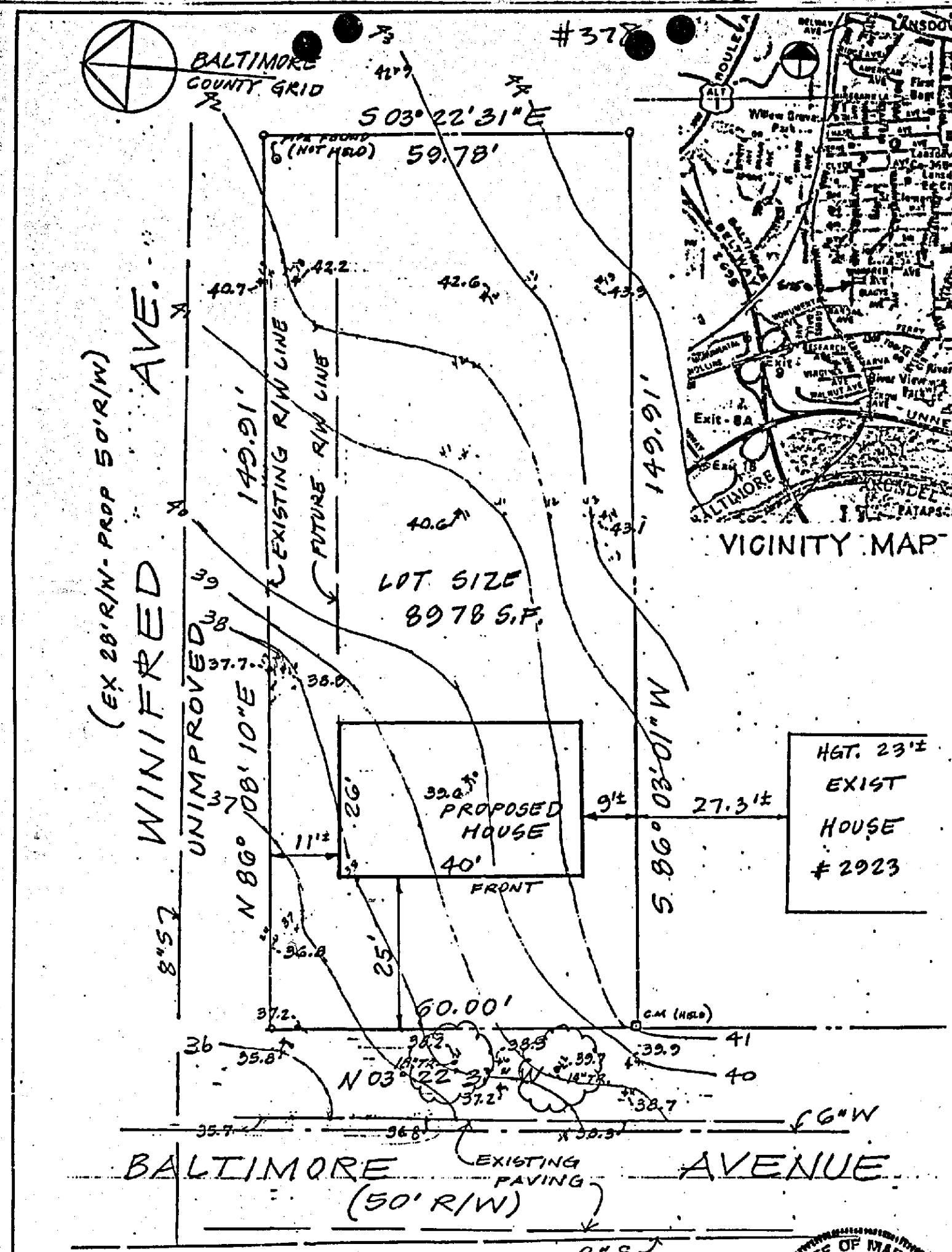
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
Enclosure
cc: People's Counsel

File



OWNER: CHARLES & GAYE DAY
 DEED REF: L. 7691, F. 722
 ZONED: DR.5.5
 SUBDIVISION: "HILLSIDE"
 PT. OF L. 74, W.P. 2-305
 EXISTING WATER & SEWER
 IN BALTIMORE AVE.
 H. Roland & Assoc. Inc.
 100 Church Lane
 Baltimore, Md. 21208
 (301) 653-9511

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 6, 1988

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

Mr. & Mrs. Charles H. Day
 1230 South Carey Street
 Baltimore, Maryland 21230

RE: Item No. 378 - Case No. 88-518-A
 Petitioner: Charles H. Day, et ux
 Petition for Zoning Variance

Dear Mr. & Mrs. Day:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
 JAMES E. DYER
 Chairman
 Zoning Plans Advisory Committee

JED:dt

Enclosures

Baltimore County
 Fire Department
 Towson, Maryland 21204-2588
 494-4500

Paul H. Reinecke
 Chief
 J. Robert Haines
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, MD 21204

May 12, 1988

Re: Property Owner: Charles Henry Day, et ux
 Location: SE/cor. Baltimore Avenue and Winfred Avenue

Item No.: 378 Zoning Agenda: Meeting of 4/26/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
 Special Inspection Division Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED ZONING OFFICE
 DATE: 5/16/88

TO: J. Robert Haines, Zoning Commissioner Date: May 12, 1988

FROM: P. David Fields, Director
 Office of Planning and Zoning

SUBJECT: Zoning Petitions #88-502-A, 88-510-A, 88-511-A, 88-512-A, 88-513-A, 88-515-A, 88-516-A, 88-517-A, 88-518-A, and 88-519-A

There are no comprehensive planning factors requiring comment on the subject petitions.

P. David Fields per J. Robert Haines
 P. David Fields, Director
 Office of Planning and Zoning

PDF/jst
 cc: Shirley Hess, People's Counsel
 J. G. Howell
 Zoning Office

88-518-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 29th day of April, 1988.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER

Petitioner: Charles H. Day, et ux
 Petitioner's Attorney: Received by: *James E. Dyer*
 Chairman, Zoning Plans Advisory Committee

Baltimore County
 Department of Public Works
 Bureau of Traffic Engineering
 Courts Building, Suite 405
 Towson, Maryland 21204
 494-3554

May 19, 1988

Mr. J. Robert Haines
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 374, 375, 376, 377, 378 and 380.

Very truly yours,

Stephen E. Weber
 Stephen E. Weber, P.E.
 Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED
 MAY 23 1988
 ZONING

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

DEED 691 PAGE 722

This Deed, Made This 3rd day of October

in the year one thousand nine hundred and Eighty-Seven by and between

WILLIAM H. C. MILLER and ANNABELLE K. MILLER, his wife

of Baltimore County, State of Maryland, parties of the first part, and

CHARLES DAY and GAYE ANN DAY, parties

of the second part.

Witnesseth, That in consideration of the sum of Twenty-Two Thousand Dollars

(\$22,000)

the said WILLIAM H. C. MILLER and ANNABELLE K. MILLER

CERT 14.00
 C 12 110.00
 C 105 110.00
 DEED 691 224.00
 EQUIT 200.00
 10/06/87

do grant and convey to the said CHARLES DAY and GAYE ANN DAY, his wife,

their

personal representatives/successors and assigns, in fee simple, all

that lot of ground situate in Baltimore County, State of Maryland

and described as follows, that is to say:

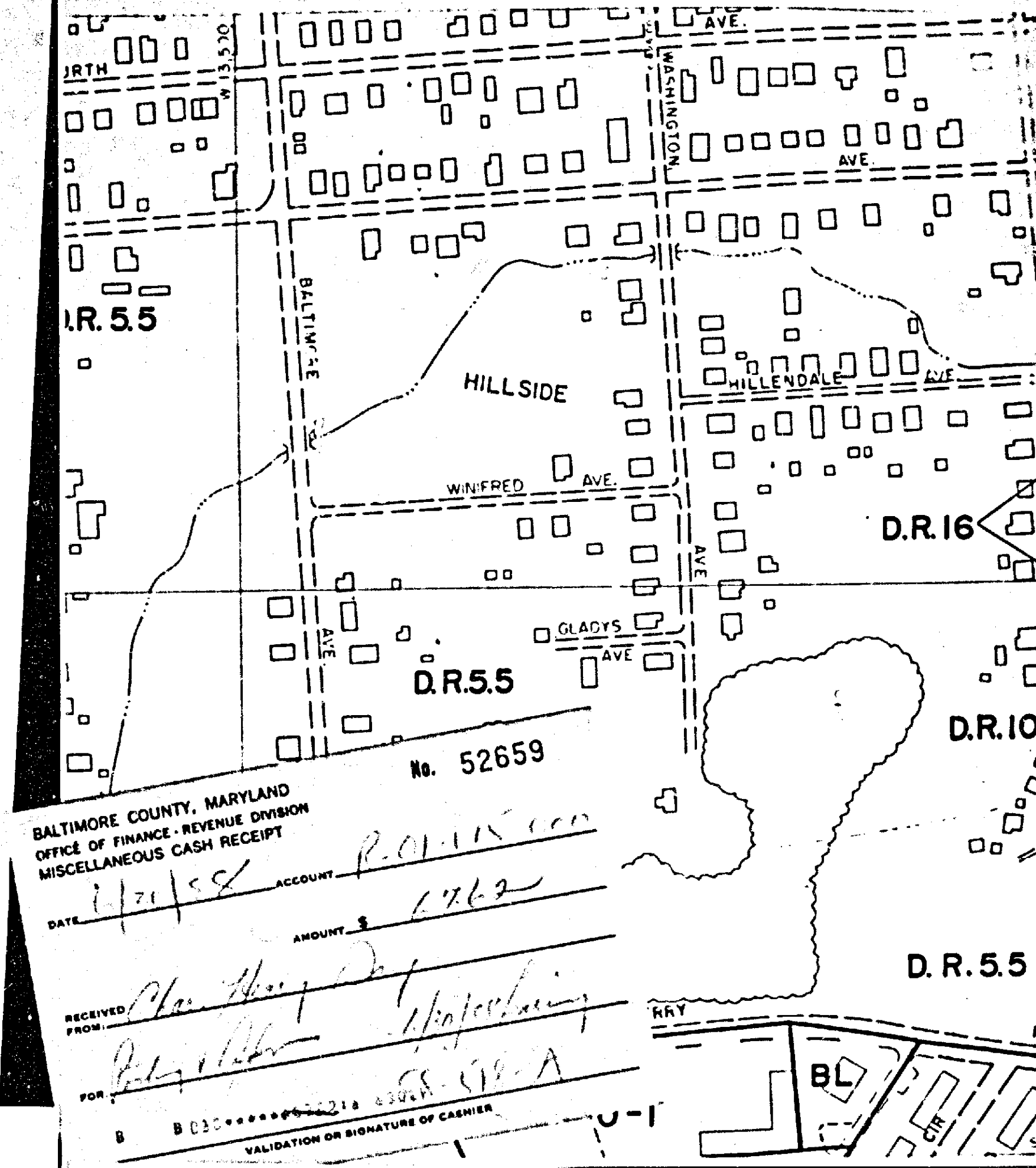
North part of No. 4 West half of Hillside, 60 x 150 ft., east side of Baltimore Avenue, beginning southeast corner Winfred Avenue; runs south. Assessed to Realty Finance Co. for 1940, Thirteenth District. Being the same lot mentioned in Equity Docket No. 41, folio 263. Sale ratified March 28, 1944.

BEING the same lot of ground which by Deed dated April 30, 1948 and recorded among the Land Records of Baltimore County in Liber 7685- folio 607 was granted and conveyed by the County Commissioners of Baltimore County, a corporation and a body politic in the State of Maryland, unto the Grantors herein.

STATE DEPARTMENT OF
 ASSESSMENTS & TAXATION
 JR 10-637
 CLERK DATE

AGRICULTURAL TRANSFER TAX
 NOT APPLICABLE
 SIGNATURE *JR* DATE 10-6-87

B 8405*****362700-8 #061A



DEED 691 PAGE 723

Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot of ground and premises to the said

CHARLES DAY and GAYE ANN DAY, his wife, as Tenants by the Entireties,

their personal representatives/successors

and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, that they will warrant specially the property hereby granted, and that they will execute such further assurances of the same as may be requisite.

Witness the hand s and seals of said grantor s.

Test:

Charles H. Day
 Charles H. Day
 William H. C. Miller

Annabelle K. Miller
 Annabelle K. Miller

STATE OF MARYLAND, to wit, 3rd day of October

I HEREBY CERTIFY, That on this 3rd day of October, before me, in the year one thousand nine hundred and Eighty-Seven, the subscriber, a Notary Public of the State aforesaid, personally appeared William H. C. Miller and Annabelle K. Miller

known to me (or satisfactorily proven) to be the person s whose name s is/are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act and in my presence signed and sealed the same.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires:

1st Commission Expires July 1, 1990

NOTARY PUBLIC

Charles L. Shuman
 Charles L. Shuman
 4000 Annapolis Rd.
 21227